

**CITY OF KNOXVILLE  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
August 20, 2015**

The **CITY OF KNOXVILLE BOARD OF ZONING APPEALS** considered the following petitions for variance of requirements of the Knoxville City Code, Appendix B, Zoning Regulations at their **August 20, 2015, meeting at 4:00 p.m. in the Small Assembly Room, City/County Building, 400 Main Street, Knoxville, TN.**

**This meeting and all communications between the Board members is subject to the provisions of the Tennessee Open Meetings Act, Tenn. Code. Ann. § 8-44-101, et seq.**

**CALL TO ORDER**

**ROLL CALL**

Board Chairman Don Horton called the meeting to order at 4:00 p.m.

Members present were: Don Horton; Kristen Grove; Barbara Clark; Charlie Van Beke, and Daniel Odle.

Others in attendance: Tom Reynolds, Deputy Director of Plans Review and Inspections; Scott Elder, Zoning Chief; Mark Johnson, City Engineering; Crista Cuccaro, Law Department; Angelia Rooks, Board Secretary; and Dan Kelly, MPC.

**APPROVAL OF MINUTES**

Board member Kristin Grove made a motion to approve the July 16, 2015 minutes and it was seconded by Board member Daniel Odle. **The Board voted 4-0 to APPROVE the July 16, 2015 minutes.** Board member Charlie Van Beke abstained.

**OLD BUSINESS**

**File: 7-E-15-VA  
Applicant: Courtland Group  
Address: 317 Ogden Street  
Zoning: C-3 (General Commercial)  
6<sup>th</sup> Council District**

**Parcel ID: 094EF011**

**Variance Requests:**

1. Reduce the minimum required Ogden Street front yard setback from 25 ft. to 0 ft. per Article 4, Section 2.2.6.E.1.
2. Reduce the minimum required W. Magnolia Avenue front yard setback from 25 ft. to 0 ft. per Article 4, Section 2.2.6.E.1.
3. Increase the maximum permitted lot coverage from 75% to 77% per Article 4, Section 2.2.6.E.4.
4. Reduce the minimum number of required parking spaces from 44 spaces to 0 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit construction of a mixed use development in a C-3 (General Commercial) District, 6<sup>th</sup> Council District.

The applicant requested a second postponement prior to the Board meeting.

Board member Charlie Van Beke made a motion to postpone hearing the request and it was seconded by Board member Barbara Clark. **The Board voted 5-0 to POSTPONE hearing the request until the September 17, 2015 meeting.**

**File:** 7-F-15-VA  
**Applicant:** Ben Garlington, Architect  
**Address:** 708 Washburn Road  
**Zoning:** R-2 (General Residential) District  
6<sup>th</sup> Council District

**Parcel ID:** 107EE010

**Variance Requests:**

1. Reduce the minimum number of required parking spaces from 40 spaces to 30 spaces per Article 5, Section 7.A.3.a.Table.
2. Reduce the minimum lot area required for a church from 30,000 sq. ft. to 20,473.2 sq. ft. per Article 4, Section 2.1.6.D.5.f.
3. Reduce the minimum drive aisle width for 90 degree parking from 26 ft. to 21 ft. per Article 5, Section 7.A.4.a.2.Table.
4. Reduce the required side yard setback from 5 ft. to 2 ft. per Article 5, Section 7.A.2.c.

As per submitted plan to permit reconstruction of a church in an R-2 (General Residential) District, 6<sup>th</sup> Council District.

Ben Garlington, applicant, was present. Mr. Garlington stated that all requests were contingent on use-on-review approval from MPC (9-E-15-UR). The site plan was revised to show a redesigned parking lot that eliminates the drive aisle width variance request (item 3). The design was changed from 90 degree parking spaces with 2-way drive aisle to angled parking spaces with one-way drive aisle. The overflow lot located across the street on Washburn is too small for use, but the owner added it to the site plan to keep the option open.

Scott Elder, Zoning Chief, stated that a new site plan was not submitted for review. Crista Cuccaro, Law Department, advised the Board Members to move this to the end of the agenda, then recess for 10 minutes to allow the staff time to review the new site plan. If withdrawing item 3 is the only change, then the other requests can be heard. If additional variances are required, then the request should be postponed to the next board meeting.

Board member Daniel Odle made a motion to move the requests to the end of the agenda. It was seconded by Board Chairman Don Horton. **The Board voted 5-0 to move the requests to the end of the agenda.**

The Zoning staff reviewed the new site plan and found new items that will require more review and additional variances. The staff recommended postponing the requests until the next BZA meeting.

Board member Barbara Clark made a motion to postpone hearing the request and it was seconded by Board member Charlie Van Beke. **The Board voted 5-0 to POSTPONE hearing the request until the September 17, 2015 meeting.**

**NEW BUSINESS**

**File:** 8-A-15-VA  
**Applicant:** Bob Alcorn  
**Address:** 3644 Talahi Drive  
**Zoning:** R-1 (Low Density Residential) District  
2<sup>nd</sup> Council District

**Parcel ID:** 108PF003

**Variance Request:**

Increase the maximum permitted height for an accessory structure from 15 ft. to 17.5 ft. per Article 4 Section 2.1.1.F.

As per submitted plan to permit construction of an accessory structure in an R-1 (Low Density Residential) District, 2<sup>nd</sup> Council District.

Bob Alcorn, applicant, was present. The property owner would like to build a detached garage with a 12/12 roof pitch that matches the architectural style of the house, but is 2 ½ ft. higher than the maximum height allowed for an accessory building. Photos of the existing home were presented to the Board.

No opposition was present.

Board member Charlie Van Beke made a motion to approve the request and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to APPROVE the request.**

**File:** 8-B-15-VA  
**Applicant:** Gerry Moll  
**Address:** 800 N. Fourth Avenue **Parcel ID: 082PA011**  
**Zoning:** O-1/H-1 (Office, Medical and Related Service / Historic Overlay) District  
4<sup>th</sup> Council District

**Variance Request:**

Reduce the minimum required north side yard setback from 15 ft. to 5 ft. per Article 4, Section 2.2.1.D.2.

As per submitted plan to permit construction of a commercial accessory structure in an O-1/H-1 (Office, Medical and Related Service / Historic Overlay) District.

Scott Elder stated that the Historic Zoning Commission has issued a Certificate of Appropriateness, and they have no issues with the proposed location of the accessory building.

Gerry Moll, applicant, was present. The Community Center has received a city grant from the Office of Neighborhoods to build the accessory building.

No opposition was present.

Board member Charlie Van Beke made a motion to approve the request and it was seconded by Board member Kristin Grove. **The Board voted 5-0 to APPROVE the request.**

**File:** 8-C-15-VA  
**Applicant:** Terrence McDonough  
**Address:** 1208 Kenyon Street **Parcel ID: 081LD014**  
**Zoning:** R-1A/H-1 (Low Density Residential / Historic Overlay) District  
4<sup>th</sup> Council District

**Variance Request:**

Increase the maximum permitted lot coverage from 30% to 43% per Article 4, Section 2.1.2.D.6.a.

As per submitted plan to permit demolition and reconstruction of an existing carport in an R-1A/H-1 (Low Density Residential / Historic Overlay) District.

The applicant requested a postponement prior to the Board meeting.

**File:** 8-D-15-VA  
**Applicant:** Andrea G. Brewer  
**Address:** 1300 Forest Brook Road **Parcel ID: 121PD018**  
**Zoning:** R-1 (Low Density Residential) District  
2<sup>nd</sup> Council District

**Variance Requests:**

1. Reduce the minimum required Glen Brook Drive front yard setback for a pool from 25 ft. to 14 ft. per Article 5, Section 16.A.2.
2. Reduce the minimum required Glen Brook Drive front yard setback for an accessory building from 25 ft. to 16 ft. per Article 4, Section 2.1.1.E.1.a.

As per submitted plan to permit construction of a swimming pool and an accessory structure in an R-1 (Low Density Residential) District.

Bailey Sharp, representing the applicant, was present. The home has three front yards, and the owner would like to install a pool and accessory building. The existing deck structure will be removed. Photos and a diagram of the property were presented to the board.

No opposition was present.

Board member Charlie Van Beke made a motion to approve the requests and it was seconded by Board Chairman Don Horton. **The Board voted 5-0 to APPROVE the requests.**

**File:** 8-E-15-VA  
**Applicant:** Architects International  
**Address:** 2719 Kingston Pike **Parcel ID: 108BC009**  
**Zoning:** O-1 (Office, Medical and Related Services) District  
2<sup>nd</sup> Council District

**Variance Request:**

Reduce the minimum required Lindsay Place front yard setback from 25 ft. to 17 ft. per Article 4, Section 2.2.1.D.1.

As per submitted to permit an addition to a commercial building in an O-1 (Office, Medical and Related Services) District.

Michelle Barillaro, representing the applicant, stated that the owner needs additional treatment rooms to meet the square footage standards required for a medical practice. Ms. Barillaro proposed removing an existing detached garage, and reducing the front yard setback to extend the existing building. The extension will not go beyond the existing garage, but the building's footprint will increase by over 30%. Parking will be redesigned to move the entrance to Lindsay Place; and will be in compliance with parking requirements.

No opposition was present.

Board Chairman Don Horton stated that building the addition where there was already a garage should not create any visual obstructions.

Board Chairman Don Horton made a motion to approve the request and it was seconded by Board member Kristin Grove. **The Board voted 5-0 to APPROVE the request.**

**File:** 8-F-15-VA  
**Applicant:** Marshall Stair  
**Address:** 1325 Armstrong Avenue **Parcel ID: 081LF005**  
**Zoning:** R-1A/H-1 (Low Density Residential / Historic Overlay) District  
4<sup>th</sup> Council District

**Variance Request:**

Reduce the minimum required rear yard setback for an accessory structure from 5 ft. to 0 ft. per Article 4, Section 2.1.2.D.3.b.

As per submitted plan to permit construction of a detached garage in an R-1A/H-1 (Low Density Residential / Historic Overlay) District.

The applicant withdrew the request prior to the Board meeting.

**File:** 8-G-15-VA  
**Applicant:** Denise Hensley  
**Address:** 5401 Kingston Pike  
**Zoning:** C-3 (General Commercial) District  
2<sup>nd</sup> Council District

**Parcel ID: 107OF005**

**Variance Request:**

Reduce the minimum required front yard setback for a sign from 10 ft. to 0 ft. per Article 8, Section 7.1.a.

As per submitted plan to permit construction of a ground sign in a C-3 (General Commercial) District.

Denise Hensley, applicant, was present. She stated that the proposed position of the sign is 20 ft. from the sidewalk, does not obstruct view, and is the same size as other nearby signs. A letter from the Bearden Council supporting the variance request was submitted to the Board.

No opposition was present.

Board member Charlie Van Beke made a motion to approve the request and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to APPROVE the request.**

**File:** 8-H-15-VA  
**Applicant:** Aaron T. Allen  
**Address:** 1546 Ohio Avenue  
**Zoning:** R-1A / IH-1 (Low Density Residential / Infill Housing Overlay) District  
5<sup>th</sup> Council District

**Parcel ID: 081PD01701**

**Variance Requests:**

1. Reduce the minimum required Ohio Avenue front yard setback from 25 ft. to 19 ft. per Article 4, Section 2.1.2.D.1.a.
2. Reduce the minimum required Stonewall Street front yard setback from 25 ft. to 19 ft. per Article 4, Section 2.1.2.D.1.a.
3. Reduce the minimum required northeast side yard setback from 8 ft. to 7 ft. per Article 4, Section 2.1.2.D.2.a.
4. Reduce the minimum required lot area from 10,000 sq. ft. to 9,600 sq. ft. per Article 4, Section 2.1.2.D.5.b.
5. Increase the maximum permitted lot coverage from 30 % to 31% per Article 4, Section 2.1.2.D.6.a.

As per submitted plan to permit platting of the property in an R-1A / IH-1 (Low density residential / Infill Housing Overlay) District.

Scott Elder stated that this house is a duplex on two lots. The minimum required lot area is 10,000 sq. ft. The combined lot size of this property is less than the minimum criteria, and is considered substandard.

Richard Lynch, representing the applicant, was present. He stated that the house was originally a single family home according to a 1935 aerial map, and was later modified as a duplex. The applicant has a

matching grant from the City to bring the building up to code, including a fire wall. No new construction is involved. The building footprint will remain the same.

No opposition was present.

Board member Charlie Van Beke made a motion to approve the requests and it was seconded by Board member Daniel Odle. **The Board voted 5-0 to APPROVE the requests.**

**File:** 8-I-15-VA  
**Applicant:** Aaron Pennington and Tim Zitzman  
**Address:** 1138 N. Broadway  
**Zoning:** C-3 (General Commercial) District  
4<sup>th</sup> Council District

**Parcel ID: 081MF001**

**Variance Requests:**

1. Reduce the minimum number of required parking spaces from 16 spaces to 6 spaces per Article 5, Section 7.A.3.a.Table.
2. Reduce the minimum required width of a commercial driveway from 20 ft. to 15 ft. per Article 5, Section 7.B.3.c.Table.

As per submitted plan to permit renovation/reuse of an existing building in a C-3 (General Commercial) District, 4<sup>th</sup> Council District.

Aaron Pennington, representing the owners, was present. He stated that the owner is converting a 1930's service station into a coffee house. The size of the lot is too small to comply with the increased parking requirement. He plans to use the existing building, without changing the footprint. The covered outdoor seating area is also within the existing building footprint in what was once a garage bay. The drive aisle was redesigned to enter from N. Broadway, and exit onto Wells Ave. Reducing the driveway width was intended to shift the exit further away from the corner stop sign. The owner anticipates a lot of foot traffic.

Board members asked about the adjacent building. Mr. Pennington said it was the former Davis Carpet Store, which is under the same ownership as the building in this request. It has about 10 to 12 parking spaces in back. The driveway entrance between the buildings is paved, and was moved further away from the utility pole near the corner of the Davis store.

Board members asked about the adjacent house. Mr. Pennington stated that it is on a separate parcel, in which he has an ownership interest with another group, separate from the ownership group involved in this request.

Board member Daniel Odle made a motion to approve the requests and it was seconded by Board member Charlie Van Beke. **The Board voted 5-0 to APPROVE the requests.**

**File:** 8-J-15-VA  
**Applicant:** Greg Sistrunk (Greenberg Farrow)  
**Address:** 6777 Clinton Hwy  
**Zoning:** C-4 (Highway and Arterial Commercial) District  
3<sup>rd</sup> Council District

**Parcel ID: 067-27320**

**Variance Requests:**

Reduce the minimum number of required parking spaces from 945 spaces to 869 spaces per Article 5, Section 7.A.3.a.Table.

As per submitted plan to permit construction of a fueling center in a C-4 (Highway and Arterial Commercial) District.

Greg Sistrunk, applicant, was present. He stated that Murphy Oil will purchase a portion of the parking lot from Walmart to construct a fuel station, thereby leaving Walmart out of compliance with the minimum parking requirements. The purchase will remove 117 parking spaces, leaving a parking ratio of 4.1 spaces per 1000 sq. ft., which meets Walmart's standards. Average parking demand during peak periods range from 2.5 to 3.7 vehicles per 1000 sq. ft. Counts are based on aerial photographs, Walmart's development plans, and installation records.

No opposition was present.

Board member Kristin Grove made a motion to approve the request and it was seconded by Board member Charlie Van Beke. **The Board voted 5-0 to APPROVE the request.**

### **OTHER BUSINESS**

The next BZA meeting is September 17, 2015.

### **ADJOURNMENT**

The meeting was adjourned at 4:47 p.m.

Respectively submitted,

---

Angelia Rooks, Board Secretary